

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:

YOURI BEITDASHTOO,

Debtor.

DONALD F. KING, TRUSTEE,

Plaintiff and
Counterclaims Defendant,

v.

**MARC E. ALBERT, TRUSTEE and
NATIONWIDE REGISTRY AND
SECURITY LTD.,**

Defendants and
Counterclaims Plaintiffs.

**Case No. 11-16702-BFK
Chapter 7**

Adv. Pro. No. 12-01406-BFK

MOTION FOR ENTRY OF ORDER

DONALD F. KING, TRUSTEE, by counsel, files this motion for entry of an order relating to the denial and dismissal of the counterclaim filed by Nationwide Registry and Security Ltd. ("NRS") and, in support thereof, states as follows:

1. Youri Beitdashtoo (the "Debtor") filed a voluntary chapter 13 petition on September 13, 2011. The case was converted to chapter 7 on March 27, 2012. Subsequently Donald F. King (the "Beitdashtoo Trustee") was appointed the chapter 7 trustee in this case.

2. On September 20, 2012, the Beitdashtoo Trustee filed a Complaint (the "Complaint") for the determination of the bankruptcy estate's interest in certain funds in

JAMES W. REYNOLDS, ESQUIRE, VSB NO. 33226
Counsel for Donald F. King, Trustee
ODIN FELDMAN & PITTLEMAN PC
1775 Wiehle Avenue, Suite 400
Reston, Virginia 20190
Direct: 703-218-2134
Fax: 703-218-2160
E-Mail: jim.reynolds@ofplaw.com

the total approximate amount of \$20,100.00 (the "Funds"). Marc E. Albert, Trustee (the "Hemetaf Trustee") and NRS filed answers and counterclaims to the Complaint each asserting an ownership interest in the Funds.

3. An evidentiary hearing on the Complaint and counterclaims was held on April 19, 2013. The Court, *inter alia*, determined that NRS had failed to prove the validity of its alleged interest in the Funds. As a result the Court directed counsel for the Beitdashtoo Trustee to prepare and circulate to counsel for the other parties an order, *inter alia*, denying and dismissing NRS' counterclaim.

4. Counsel for the Beitdashtoo Trustee has drafted and circulated the proposed order to counsel for the other parties to the adversary proceeding. A copy of the proposed order is attached hereto as Exhibit A. More specifically, the Beitdashtoo Trustee sent by email the proposed order to counsel for the Hemetaf Trustee and counsel for NRS on Monday, April 22, 2013. Counsel for the Hemetaf Trustee did sign and return the order to counsel for the Beitdashtoo Trustee. Counsel for the Beitdashtoo Trustee was advised by the office of NRS' counsel that the attachment, meaning the order, to the email could not be opened. Counsel for the Beitdashtoo Trustee sent another email with the order attached, but again the attachment could not be opened. As a result counsel for the Beitdashtoo Trustee faxed the order to counsel for NRS on April 23, 2013. Counsel for NRS has not responded to the requests of counsel for the Beitdashtoo Trustee for (i) comments relating to the order and/or (ii) endorsement of the order.

5. The Beitdashtoo Trustee believes there is sufficient cause for the Court to enter the order attached hereto as Exhibit A without the endorsement of counsel for NRS.

WHEREFORE, Donald F. King, Trustee, by counsel, requests that the Court enter an order denying and dismissing the counterclaim filed by NRS and for such other relief as this Court deems appropriate.

Respectfully submitted,
Donald F. King, Trustee
By counsel

/s/ James W. Reynolds
James W. Reynolds, Esquire, VSB No. 33226
Counsel for Donald F. King, Trustee
ODIN FELDMAN & PITTLEMAN PC
1775 Wiehle Avenue, Suite 400
Reston, Virginia 20190
Direct: 703-218-2134
Fax: 703-218-2160
E-Mail: Jim.Reynolds@ofplaw.com

Certificate of Service

I hereby certify that on this 29th day of April, 2013, a copy of this Motion for Entry of Order was mailed first class, postage prepaid, to Robert L. Vaughn, Esquire, O'Connor & Vaughn, LLC, 11490 Commerce Park Drive, Suite 510, Reston, Virginia 22091; Katherine M. Sutcliffe Becker, Esquire, Stinson Morrison Hecker, LLP, 1775 Pennsylvania Avenue, N.W., Suite 800, Washington, D.C. 20006.

/s/ James W. Reynolds
James W. Reynolds

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:

YOURI BEITDASHTOO,

Debtor.

DONALD F. KING, TRUSTEE,

Plaintiff and
Counterclaims Defendant,

V.

**MARC E. ALBERT, TRUSTEE and
NATIONWIDE REGISTRY AND
SECURITY LTD.,**

Defendants and Counterclaims Plaintiffs.

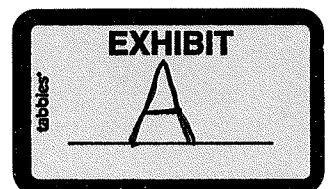
Case No. 11-16702-BFK
Chapter 7

Adv. Pro. No. 12-01406-BFK

ORDER

THIS MATTER comes on upon (i) the complaint of Donald F. King, Trustee (the “Beitdashtoo Trustee”), the chapter 7 trustee in this case, for the determination of the bankruptcy estate’s interest in certain funds, (ii) the counterclaim of Marc E. Albert, Trustee (the “Hemetaf Trustee”), the chapter 7 trustee in the bankruptcy case filed by HEMETAF, Inc. in the District of Columbia [case number 12-00232] and (iii) the counterclaim of Nationwide Registry and Security Ltd. (“NRS”), and

IT APPEARING that the Beitdashtoo Trustee is currently holding \$20,100.00 (the "Funds"); that the Beitdashtoo Trustee, the Hemetaf Trustee and NRS assert ownership interests in the Funds; and that the Hemetaf Trustee and the Beitdashtoo Trustee have reached a settlement, which is subject to Court approval, pertaining to the division of the Funds between the two (2) bankruptcy estates, and



IT FURTHER APPEARING that, pursuant to 11 U.S.C. §363(p)(2), NRS has the burden of proving the validity of its interest in the Funds; and that for the reasons stated in open court on April 19, 2013, NRS has failed to prove its interest in the Funds, it is therefore

ORDERED that NRS has no interest in the Funds, and it is

FURTHER ORDERED that NRS' counterclaim is denied and dismissed, and it is

FURTHER ORDERED that the Beitdashtoo Trustee's complaint and the Hemetaf Trustee's counterclaim are hereby stayed pending further order of the Court in connection with a motion for approval of the settlement between the Beitdashtoo Trustee and the Hemetaf Trustee relating to the Funds.

Dated: _____

BRIAN F. KENNEY
U.S. Bankruptcy Court

Entered: _____

I ask for this:

James W. Reynolds, Esquire, VSB No. 33226
Counsel for Donald F. King, Trustee
ODIN FELDMAN & PITTLEMAN PC
1775 Wiehle Avenue, Suite 400
Reston, Virginia 20190
Direct: 703-218-2134
Fax: 703-218-2160
E-Mail: Jim.Reynolds@ofplaw.com

Seen and Agreed:

Katherine M. Sutcliffe Becker, Esquire, VSB No. 65256
Counsel for Marc E. Albert, Trustee
STINSON MORRISON HECKER LLP
1775 Pennsylvania Avenue, N.W., Suite 800
Washington, D.C. 20006
(202) 785-9100
kbecker@stinson.com

Seen and Objected To:

Robert L. Vaughn, Jr., Esquire, VSB No. 20633
Counsel for Nationwide Registry and Security Ltd.
O'CONNOR & VAUGHN, LLC
11490 Commerce Park Drive, Suite 510
Reston, Virginia 20191
(703) 689-2100

PARTIES TO RECEIVE COPIES:

James W. Reynolds, Esquire (to be sent electronically)

Katherine M. Sutcliffe Becker, Esquire (to be sent electronically)

Robert L. Vaughn, Jr., Esquire (to be sent electronically)